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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,346	12/03/2001	Harry A. Glorikian	P696C1	4095
24739	7590	08/29/2006	EXAMINER	
CENTRAL COAST PATENT AGENCY, INC			BHATIA, AJAY M	
3 HANGER WAY SUITE D			ART UNIT	
WATSONVILLE, CA 95076			PAPER NUMBER	

2145

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/006,346	GLORIKIAN, HARRY A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ajay M. Bhatia	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 6/19/06.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments with respect to claims 8-25 have been considered but are moot in view of the new ground(s) of rejection. Applicant has filed an RCE 6/19/06. Examiner would like to note that Terminal Disclaimer has been accepted for patent 6,343,317.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hancock et al. (U.S. Patent 6,202,023) in view of Lumelsky, (U.S. Patent 6,081,780) For claim 8, Hancock teaches, an information system for delivering position-related information to a portable digital appliance, comprising:

a tracking system for tracking position of the appliance; (Hancock, Col. 3 lines 6-4)

a data repository comprising data entities identified by position within one or more bounded regions and by different information subject categories or specific sub-categories; (Hancock, Col. 3 lines 15-21, Col. 4 lines 1-5, Col. 5 line 62 to Col. 6 lines 19)

wherein the information system selects information to be provided to the appliance according to the position of the appliance and the specific information subject or specific sub-categories of interest of the digital appliance and indicated in the client profile. (Hancock, Col. 3 lines 15-21)

Hancock discloses a user preferences saved on the server but not a client profile recording specific information subject categories or specific sub-categories of interest for a user of the digital appliance;

However, Lumelsky in the same field of endeavor, discloses client profile recording specific information subject categories or specific sub-categories of interest for a user of the digital appliance; (Lumelsky, col. 7, lines 3-25 and col. 18, lines 19-57). It would have been obvious to one of ordinary skill in the art to incorporate user interests, taught by Lumelsky, into the information retrieval system, taught by Hancock, in order to have the search for data be more specific.

For claim 9, Hancock-Lumelsky teaches, the information system of claim 8 wherein the position of the appliance is a geographic position on the surface of the Earth. (Hancock, Col. 3 lines 55-61, Earth is inherent to the system)

For claim 10, Hancock-Lumelsky teaches, the information system of claim 8, wherein the data repository stores data identified by geographic regions and sub-

regions within the bounded regions and position of the appliance within a sub-region is used to select information to be provided to the appliance. (Hancock, Col. 5 line 62 Col. 6 line 19, Col. 4 lines 1-5, Col. 3 lines 56-61)

For claim 11, Hancock-Lumelsky teaches, the information system of claim 8 wherein the tracking system also records change in position relative to time, and wherein information retrieved and provided to the appliance is information associated with specific geographic positions, and is selected, at least in part, by the direction of movement of the appliance relative to one of the specific geographic positions. (Hancock, Col. 4 lines 1-5, Col. 9 lines 46-64)

For claim 12, Hancock-Lumelsky teaches, the information system of claim 8 wherein the information system communicates with the digital appliance on a wireless link. (Hancock, figure 13, Col. 23 line 41 to Col. 24 line 13, Col. 24 lines 25-38)

For claim 13, Hancock-Lumelsky teaches, the information system of claim 12 wherein the wireless link is a two-way link, and the appliance sends periodic requests for information to the information system. (Hancock, Col. 4 lines 1-5)

For claim 14, Hancock-Lumelsky teaches, the information system of claim 13 wherein the periodic requests are automatically-generated. (Hancock, Col. 4 lines 1-5, Col. 9 lines 46-64)

For claim 15, Hancock-Lumelsky teaches, the information system of claim 13 wherein the periodic request are manually generated by a user of the appliance.  
(Hancock, Col. 17 lines 50 to Col. 18 lines 3)

For claim 16, Hancock-Lumelsky teaches, the information system of claim 8 wherein formation is published to the appliance on a pre-arranged time period.  
(Hancock, Col. 4 lines 11-16)

Claims 17-25 list all the same elements of claim 1-16. Therefore, the supporting rationale of the rejection to claims 1-16 applies equally as well to claims 17-25.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached UPSTO 892 (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason Cardone  
Supervisor Patent Examiner  
Art Unit 2145

AB